HON'BLE DR. JUSTICE G. YETHIRAJULU

W.P.No.9099 of 2000

DATED: 12-12-2007

Between:

C. Narsaiah S/o. Late Venkaiah,
Aged 75 years, Occ: Business,
R/o. Dilsukhnagar, Hyderabad.

…… Petitioner

and

1. **The Assistant Divisional Engineer/Electricity (OP) Sub-Division, Vidyut Bhavan, Huda Complex, Saroornagar, A.P. C.P. DISCOM (Old APSEB) and three others.**

…….. Respondents

HON'BLE DR. JUSTICE G. YETHIRAJULU

W.P.No.9099 of 2000

ORDER:

This writ petition has been filed seeking a declaration that the proceedings in Lr.No.ADE/SRNR/ D.No.129/sk, dated 17-05-2000 issued by the first respondent are illegal, arbitrary and unconstitutional.

The petitioner is the Proprietor of an Ice Plant run in the name of Achuta and Company at Hayatnagar, Ranga Reddy District. The Ice Plant is having electricity service connection bearing S.C.No.437/III obtained in the year 1988. On 06-05-2000 some of the officials of the Electricity Department came to the Ice Plant and effected some repairs and after some time informed that only officials from Vidyut Soudha have to rectify the same. Afterwards, nobody came for rectification of the defect, as a result the Ice Plant had to be closed down. But surprisingly, the impugned proceedings were issued by the first respondent on 17-05-2000 stating that the meter box seals are tampered with, as a result the meter is running –20, for which the value was assessed at Rs.5,92,555/- and the petitioner was asked to pay Rs.2,96,202-50 ps. The petitioner questioned the said proceedings in the present writ petition.

The Respondents contended that they inspected the premises of the Ice Plant and noticed the tampering of the meter and by taking into consideration the previous average consumption, the present assessment has been made by following the procedure prescribed under law.

After going through the entire material, I am of the view that the respondents established the tampering of the meter and at no time the petitioner reported to the Electricity Department that the Ice Plant has been closed and there was no consumption of the electricity.

In the light of the above circumstances, I am convinced that the assessment made in the proceedings of the first respondent is in accordance with the rules and I do not find any illegality in the impugned proceedings, therefore, the petitioner is not entitled for any direction more particularly by way of Mandamus.

Hence, the Writ Petition is dismissed. No order as to costs.

DR. G. YETHIRAJULU, J

Date:12-12-2007

YCR